



## Lessard-Sams Outdoor Heritage Council

MNDNR Trout Stream Conservation Easements  
Laws of Minnesota 2021 Accomplishment Plan

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### General Information

**Date:** 02/24/2023

**Project Title:** MNDNR Trout Stream Conservation Easements

**Funds Recommended:** \$500,000

**Legislative Citation:** ML 2021, First Sp. Session, Ch. 1, Art. 1, Sec. 2, subd. 5(h)

**Appropriation Language:** \$500,000 the first year is to the commissioner of natural resources to acquire land in permanent conservation easements to protect trout stream aquatic habitat. Of this amount, up to \$65,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of permanent conservation easements must be provided as part of the required accomplishment plan.

### Manager Information

**Manager's Name:** Rick Walsh

**Title:**

**Organization:** Minnesota Department of Natural Resources

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### Location Information

**County Location(s):** Fillmore, Houston, Winona, St. Louis and Cook.

**Eco regions in which work will take place:**

- Northern Forest
- Southeast Forest

**Activity types:**

- Protect in Easement

**Priority resources addressed by activity:**

- Habitat

**Narrative****Abstract**

We propose a programmatic approach to achieve prioritized aquatic habitat protection for trout streams in Minnesota, with an emphasis on Southeast and Northeast Minnesota. We propose to protect 3.75 miles of trout streams, including approximately 75 acres with permanent conservation easements on private land. Protected lands will be designated as Aquatic Management Areas (AMA's) administered by the Minnesota DNR Division of Fish and Wildlife.

**Design and Scope of Work**

Trout fishing in Minnesota is enjoyed by thousands of anglers. The MNDNR Section of Fisheries administers a conservation easement program that has strong stakeholder support, and protects the habitat that is the foundation of our successful trout management program. Over 90% of our conservation easements protect trout streams. In addition to protecting the riparian corridor of trout streams, easements provide access for the angling public, and also provide access for restoration and enhancement projects. We propose a programmatic approach to achieve prioritized aquatic habitat protection for trout streams across Minnesota. Most trout streams are found in Southeast and Northeast Minnesota, but conservation opportunities in other areas of the state will be evaluated by scoring and ranking candidate parcels as they become available.

We propose to protect 3.75 miles of trout streams and approximately 75 acres with permanent conservation easements on private land. Protected lands will be designated as Aquatic Management Areas (AMA's) administered by the Minnesota DNR Division of Fish and Wildlife.

The dollar value of trout stream conservation easements is set by formula described in M.S.84.0272 subd. 2. The formula uses the length of stream being placed under easement and the area of the easement footprint. The length of the stream easement in feet (length is measured in GIS from a current aerial photo) is multiplied by \$5 per foot. The area of the easement foot print is also measured in GIS. The area in acres is multiplied by the average per acre estimated market value of Agricultural, Rural Vacant, and Managed Forest Land within the township where the easement lies. Estimated market value and total acres by land type for every township in the state are supplied by the Department of Revenue and revised annually. So, easement price is calculated as (feet of stream under easement x \$5) + (acres of easement foot print x average market value/acre within that township). Dollar estimates in this proposal are based on current estimated market value, and are subject to change.

Scoring and ranking candidate parcels for trout stream conservation easement acquisition is based on multiple criteria as described in the proposal attachment. Criteria include fishery quality, rare natural features and other ecological attributes, potential to link with existing easements to increase protected corridors, and the need for access to conduct habitat restoration and enhancement projects with potential to improve the fishery. Please refer to the attachments for details.

The current parcel list is based on parcels meeting a minimum scoring threshold and with landowners expressing an interest in selling an easement. The proposal includes the cost of easements, professional services to complete the transactions, and a deposit to the Easement Stewardship Account to cover future costs of stewardship. The proposal can be scaled by dropping lower scoring parcels.

## **How does the plan address habitats that have significant value for wildlife species of greatest conservation need, and/or threatened or endangered species, and list targeted species?**

The focus of the protection work in this proposal is trout streams and the riparian corridor. Although benefits to fisheries are a primary consideration of the program, riparian areas are also important to game and nongame wildlife, including species of greatest conservation need (SGCN). We will use a scoring system that takes into account multiple considerations including Minnesota Biological Survey sites of biodiversity significance. Some scoring criteria, such as the potential to expand corridors and protected areas benefit many species. The scoring system is described in more detail in the attachments.

The use of scoring criteria allow a programmatic approach that fairly evaluates candidate parcels without eliminating the potential for protection in any geographic region. Because species distribution is not uniform across the state, species benefitting from conservation easements will vary across regions. SCGN's that depend on aquatic and riparian habitat include several turtle species, common mudpuppy, two frog species, and several species of waterfowl and shorebirds.

## **Describe how the plan uses science-based targeting that leverages or expands corridors and complexes, reduces fragmentation or protects areas identified in the MN County Biological Survey:**

The scoring criteria include linking with existing easements to expand protected riparian corridors. The scoring criteria also award points to parcels with rare natural features identified in the MBS GIS layer.

## **Which two sections of the Minnesota Statewide Conservation and Preservation Plan are most applicable to this project?**

- H2 Protect critical shoreland of streams and lakes
- H3 Improve connectivity and access to recreation

## **Which two other plans are addressed in this program?**

- Other : MN DNR Fisheries Habitat Strategic Plan
- Strategic Plan for Coldwater Resources Management in Southeastern Minnesota

## **Which LSOHC section priorities are addressed in this program?**

### **Northern Forest**

- Protect shoreland and restore or enhance critical habitat on wild rice lakes, shallow lakes, cold water lakes, streams and rivers, and spawning areas

### **Southeast Forest**

- Protect, enhance, and restore habitat for fish, game, and nongame wildlife in rivers, cold-water streams, and associated upland habitat

## **Does this program include leveraged funding?**

No

**Per MS 97A.056, Subd. 24, Please explain whether the request is supplanting or is a substitution for any previous funding that was not from a legacy fund and was used for the same purpose.**

OHF funding accelerates trout stream acquisition work beyond what is possible with other funding sources. It does not supplant or substitute other program funds.

### Non-OHF Appropriations

Year	Source	Amount
15-20	RIM	\$265,000
15-20	Trout and Salmon Account (Trout Stamp)	\$90,000

### How will you sustain and/or maintain this work after the Outdoor Heritage Funds are expended?

The request includes funds to deposit in the Easement Stewardship Account, an interest-bearing account authorized in MS 84.69. Funds will support easement monitoring to be conducted following DNR Operational Order 128 and Division of Fish and Wildlife Easement Monitoring Guidelines.

### Actions to Maintain Project Outcomes

Year	Source of Funds	Step 1	Step 2	Step 3
2022	OHF appropriation (this proposal)	baseline easement report	Future monitoring per MNDNR guidelines	-

### Activity Details

### Requirements

**If funded, this program will meet all applicable criteria set forth in MS 97A.056?**

Yes

**Is the land you plan to acquire (easement) free of any other permanent protection?**

Yes

**Who will manage the easement?**

Minnesota DNR Section of Fisheries will conduct easement stewardship.

**Who will be the easement holder?**

State of Minnesota

**What is the anticipated number of easements (range is fine) you plan to accomplish with this appropriation?**

Eight, this may vary depending on size of easements at top of rank order after scoring. Large easements will reduce number, small easements will increase number.

### Land Use

**Will there be planting of any crop on OHF land purchased or restored in this program?**

No

**Will the eased land be open for public use?**

Yes

**Describe the expected public use:**

In addition to the conservation terms of the easements, access is provided for angling; other public activities are not allowed.

**Are there currently trails or roads on any of the proposed acquisitions?**

No

**Will new trails or roads be developed or improved as a result of the OHF acquisition?**

No

**Will the acquired parcels be restored or enhanced within this appropriation?**

No

**Will the land that you acquire (fee or easement) be restored or enhanced within this program's funding and availability?**

No

**Explain how, when, and source of the R/E work:**

The easement terms include access for restoration and enhancement work. Although no work specific to the parcel list is currently planned or funded, future work may be done by DNR or partner organizations using funding from various sources, including OHF.

**Timeline**

Activity Name	Estimated Completion Date
final parcel scores and ranks, initiate acquisitions	July 2021
complete acquisitions	spring 2024
complete baseline easement reports	spring 2024
monitoring and enforcement	ongoing, no end date

**Date of Final Report Submission:** 11/01/2024

**Availability of Appropriation:** Subd. 7. Availability of Appropriation

Money appropriated in this section may not be spent on activities unless they are directly related to and necessary for a specific appropriation and are specified in the accomplishment plan approved by the Lessard-Sams Outdoor Heritage Council. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges that are not directly related to and necessary for a specific appropriation. For acquiring real property, the amounts in this section are available until June 30, 2025. Money for restoration or enhancement is available until June 30, 2026. Money for restoration and enhancement of land acquired with an appropriation in this article is available for four years after the acquisition date with a maximum end date of June 30, 2029. If a project receives at least 15 percent of its funding from federal funds, the time of the appropriation may be extended to equal the availability of federal funding to a maximum of six years if the federal funding was confirmed and included in the original approved draft accomplishment plan. Money appropriated for acquiring land in fee title may be used to restore, enhance, and provide for public use of the land acquired with the appropriation. Public-use facilities must have a minimal impact on habitat in acquired lands.

## Budget

*Budget reallocations up to 10% do not require an amendment to the Accomplishment Plan.*

### Totals

Item	Funding Request	Antic. Leverage	Leverage Source	Total
Personnel	-	-	-	-
Contracts	-	-	-	-
Fee Acquisition w/ PILT	-	-	-	-
Fee Acquisition w/o PILT	-	-	-	-
Easement Acquisition	\$395,000	-	-	\$395,000
Easement Stewardship	\$65,000	-	-	\$65,000
Travel	-	-	-	-
Professional Services	\$40,000	-	-	\$40,000
Direct Support Services	-	-	-	-
DNR Land Acquisition Costs	-	-	-	-
Capital Equipment	-	-	-	-
Other Equipment/Tools	-	-	-	-
Supplies/Materials	-	-	-	-
DNR IDP	-	-	-	-
<b>Grand Total</b>	<b>\$500,000</b>	<b>-</b>	<b>-</b>	<b>\$500,000</b>

**Amount of Request:** \$500,000

**Amount of Leverage:** -

**Leverage as a percent of the Request:** 0.0%

**DSS + Personnel:** -

**As a % of the total request:** 0.0%

**Easement Stewardship:** \$65,000

**As a % of the Easement Acquisition:** 16.46%

### **How will this program accommodate the reduced appropriation recommendation from the original proposed requested amount?**

The request was scale-able; the spending in each category was reduced proportionally. Easement stewardship was estimated based on 8 completed easements (original request was 25). Professional services was estimated at 10% of easement costs. The 16% increase made available during December was put into acquisition and professional services.

### **Easement Stewardship**

#### **What is the number of easements anticipated, cost per easement for stewardship, and explain how that amount is calculated?**

We estimate 8 easements. Depending on size of top ranking easements after scoring is completed, this number may change. The amount for stewardship is estimated with a calculator developed by staff in MNDNR's Division of Lands and Minerals, and is roughly \$8K/easement for trout stream easements. The calculator is based on frequency of monitoring events, staff time, expenses, and probably of future enforcement. If we are successful in acquiring the largest easement on the parcel list, we will exceed current acre goals and have fewer easements. In

this case of having fewer easements, we would anticipate requesting an amendment to shift unused easement stewardship to easement acquisition.

### Federal Funds

**Do you anticipate federal funds as a match for this program?**

No

Output Tables**Acres by Resource Type (Table 1)**

Type	Wetland	Prairie	Forest	Habitat	Total Acres
Restore	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-
Protect in Easement	-	-	-	90	90
Enhance	-	-	-	-	-
<b>Total</b>	-	-	-	<b>90</b>	<b>90</b>

**Total Requested Funding by Resource Type (Table 2)**

Type	Wetland	Prairie	Forest	Habitat	Total Funding
Restore	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-
Protect in Easement	-	-	-	\$500,000	\$500,000
Enhance	-	-	-	-	-
<b>Total</b>	-	-	-	<b>\$500,000</b>	<b>\$500,000</b>

**Acres within each Ecological Section (Table 3)**

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest	Total Acres
Restore	-	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-	-
Protect in Easement	-	-	30	-	60	90
Enhance	-	-	-	-	-	-
<b>Total</b>	-	-	<b>30</b>	-	<b>60</b>	<b>90</b>

**Total Requested Funding within each Ecological Section (Table 4)**

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest	Total Funding
Restore	-	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-	-
Protect in Easement	-	-	\$214,000	-	\$286,000	\$500,000
Enhance	-	-	-	-	-	-
<b>Total</b>	-	-	<b>\$214,000</b>	-	<b>\$286,000</b>	<b>\$500,000</b>

**Average Cost per Acre by Resource Type (Table 5)**

Type	Wetland	Prairie	Forest	Habitat
Restore	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-
Protect in Easement	-	-	-	\$5,555
Enhance	-	-	-	-

**Average Cost per Acre by Ecological Section (Table 6)**

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest
Restore	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-



Protect in Fee w/o State PILT Liability	-	-	-	-	-
Protect in Easement	-	-	\$7,133	-	\$4,766
Enhance	-	-	-	-	-

### Target Lake/Stream/River Feet or Miles

4.5

## Outcomes

### Programs in the northern forest region:

- Other ~ *Outcome is coldwater stream corridors have protection and angler access. This is evaluated with easement stewardship. Regular monitoring visits evaluate compliance with easement terms, and MNDNR staff work with landowners to correct any issues that are out of compliance with the agreement.*

### Programs in southeast forest region:

- Other ~ *Outcome is coldwater stream corridors have protection and angler access. This is evaluated with easement stewardship. Regular monitoring visits evaluate compliance with easement terms, and MNDNR staff work with landowners to correct any issues that are out of compliance with the agreement.*

## Parcels

*For restoration and enhancement programs ONLY: Managers may add, delete, and substitute projects on this parcel list based upon need, readiness, cost, opportunity, and/or urgency so long as the substitute parcel/project forwards the constitutional objectives of this program in the Project Scope table of this accomplishment plan. The final accomplishment plan report will include the final parcel list.*

### Parcel Information

#### Sign-up Criteria?

[Yes](#)

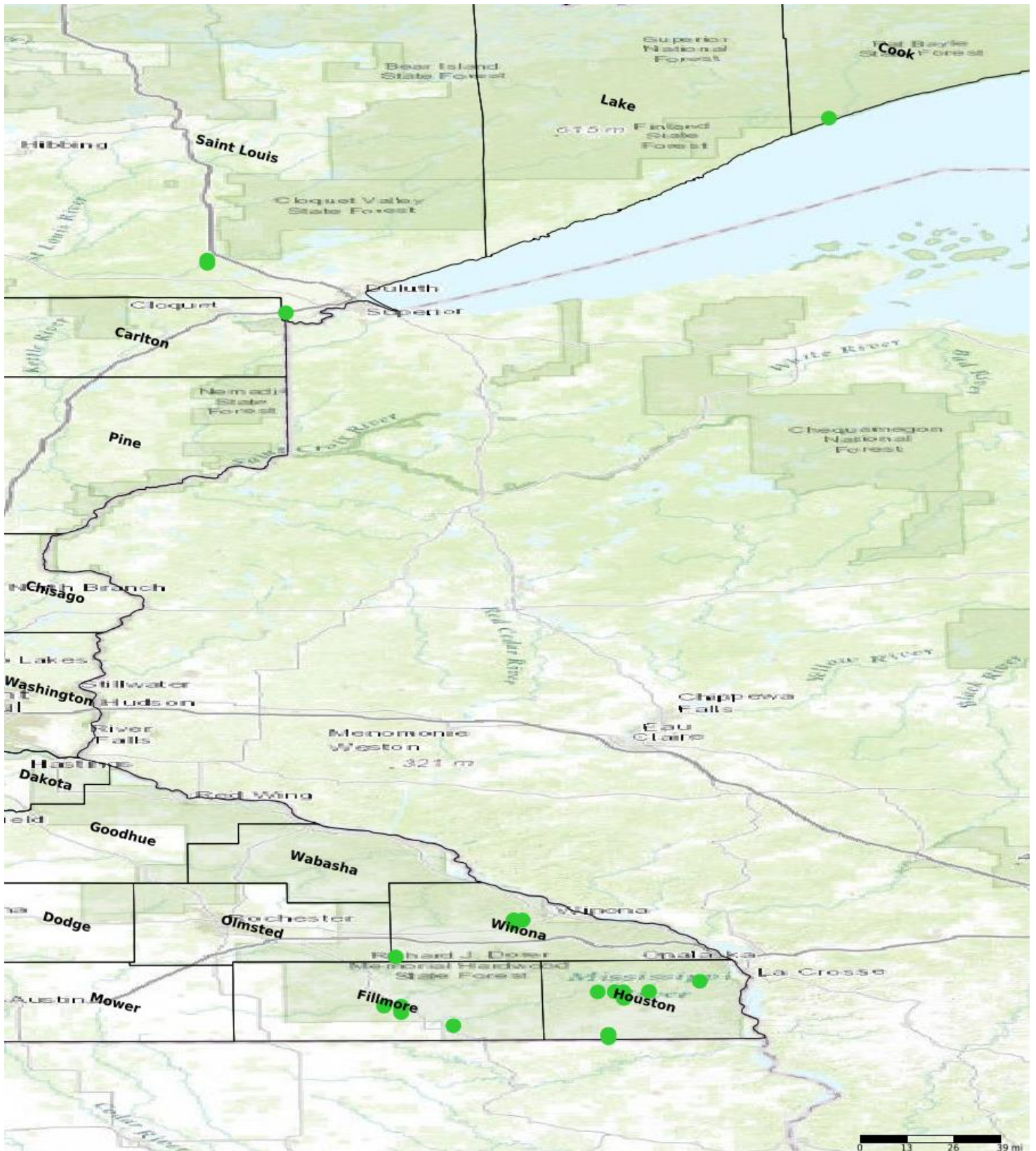
#### Explain the process used to identify, prioritize, and select the parcels on your list:

we have a scoring and ranking system to screen parcels; this is provided as an attachment. Parcels scoring below 30 points on the current scoring system are not pursued. We proceed based on score and landowner readiness to sell the easement.

### Protect Parcels

Name	County	TRDS	Acres	Est Cost	Existing Protection
Two Island River	Cook	05805202	77	\$255,000	No
Camp Creek	Fillmore	10210217	10	\$76,000	No
Camp Creek	Fillmore	10210217	14	\$97,000	No
Sorenson Creek	Fillmore	10109208	5	\$50,000	No
Camp Creek	Fillmore	10210220	5	\$40,000	No
Camp Creek	Fillmore	10210208	11	\$78,000	No
Willow Creek	Fillmore	10211212	13	\$89,000	No
Bee Creek	Houston	10106229	1	\$14,000	No
Beaver Creek	Houston	10306219	25	\$150,000	No
Thompson Creek	Houston	10304206	2	\$15,000	No
Crystal Creek	Houston	10305219	13	\$85,000	No
Bee Creek	Houston	10106229	1	\$11,000	No
Bee Creek	Houston	10106229	1	\$10,000	No
Bee Creek	Houston	10106232	1	\$7,000	No
Badger Creek	Houston	10306222	6	\$38,000	No
Badger Creek	Houston	10306221	1	\$10,000	No
Badger Creek	Houston	10306221	7	\$43,000	No
Badger Creek	Houston	10306234	1	\$7,000	No
Badger Creek	Houston	10306234	3	\$23,000	No
Chalberg Creek	St. Louis	05117203	22	\$62,000	No
Mission Creek	St. Louis	04915230	25	\$82,000	No
Chalberg Creek	St. Louis	05117210	10	\$29,000	No
Garvin Brook	Winona	10608204	1	\$8,000	No
Garvin Brook	Winona	10708234	3	\$24,000	No
Garvin Brook	Winona	10708233	5	\$38,000	No
Garvin Brook	Winona	10708233	1	\$12,000	No
Trout Run Creek	Winona	10510230	8	\$75,000	No
Garvin Brook	Winona	10708233	1	\$9,000	No
Garvin Brook	Winona	10608204	1	\$9,000	No
Garvin Brook	Winona	10708233	2	\$20,000	No
Garvin Brook	Winona	10608204	1	\$10,000	No
Garvin Brook	Winona	10708234	2	\$15,000	No

## Parcel Map



- Protect in Easement
- ▲ Protect in Fee with PILT
- Protect in Fee W/O PILT
- ★ Restore
- ✕ Enhance
- ⊕ Other